

Melvin Glenn HANEY *v.* STATE of Arkansas

637 S.W.2d 596

Supreme Court of Arkansas
Opinion delivered July 19, 1982

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — ADMISSION BY ATTORNEY FOR CRIMINAL DEFENDANT OF MISTAKE RESULTING IN LATE FILING IS GOOD CAUSE FOR GRANTING MOTION. — Where an attorney for a criminal defendant attaches an affidavit to a motion for rule on the clerk, admitting that the record was tendered late due to a mistake on his part, this is good cause to grant the motion.

Motion for Rule on Clerk; motion granted.

Harold W. Madden, for appellant.

Steve Clark, Atty. Gen., by: *Alice Ann Burns*, Asst. Atty. Gen., for appellee.

PER CURIAM. Appellant, Melvin Glenn Haney, by his attorney, has again filed for a rule on the clerk. In a Per Curiam opinion issued June 28, 1982, we denied a similar motion.

His attorney, Harold W. Madden, has attached an affidavit admitting that the record was tendered late due to a mistake on his part.

We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See our Per Curiam dated February 5, 1969, In Re: Belated Appeals in Criminal Cases, 265 Ark. 964.

A copy of this opinion will be forwarded to the Committee on Professional Conduct.